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Paper No. 12

ALSTON & BIRD LLP  
P O DRAWER 34009  
CHARLOTTE, NC 28234-4009

In re Application of:  
GLUCKSMANN, MARIA ALEXANDRA, et al.  
Application No. 09/495,823  
Filed: 01/31/2000  
Attorney Docket No. 5800-79

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JAN 22 2002

OFFICE OF PETITIONS

DECISION GRANTING  
PETITION

This is a decision on the paper titled "Communication Regarding Decision on Petition Under 37 C.F.R. §1.10(d)", filed on December 27, 2001. The decision originally mailed on September 25, 2000<sup>1</sup> is hereby vacated in favor of the decision below.

This is a decision on the petition under 37 C.F.R. §1.10(d), filed on June, 13, 2000, requesting that the above-identified application be accorded a filing date of January 31, 2000, rather than the presently accorded filing date of February 1, 2000.

Petitioner alleges that the application was deposited in Express Mail service on January 31, 2000. In support, the petition is accompanied by: a copy of the cover sheet for the above-referenced application showing the Express Main Number EL039496501US, a copy of the relevant page from the secretary's log of PTO mailings showing that the application was transmitted to the PTO on January 31, 2000, an affidavit signed by Nora Martinez, which states that she is the secretary who keeps the logbook and that she entered the information regarding the date the present application was transmitted to the PTO, a copy of the Alston & Bird, L.L.P. courier service logbook showing the accept and pickup date for Express Mail number EL039496501US as January 31, 2000, an affidavit signed by Sean Calfee stating that he personally delivered Express Mail number EL039496501US into the hands of a U.S. postal worker behind the Express Mail window at a U.S. Post Office on January 31, 2000, and a copy of the printout of the action screen for the present application which was obtained from the Alston & Bird, L.L.P. patent database showing the action type as "APP SENT PTO" on January 31, 2000.

After a review of the above, *this petition is granted*.

This application will be returned to Initial Patent Examination Division for correction of the filing date to January 31, 2000.

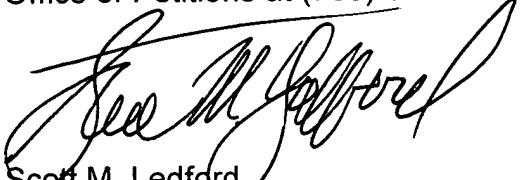
No fee will be charged for this reconsideration.

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<sup>1</sup> See, Paper No. 6

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Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.



Scott M. Ledford  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Examination Policy